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Via ECF

Hon. James L. Cott, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: Status of Limited Post-Summary Judgment Discovery
Jerez v. City of New York, et al., No. 13-cv-8822 (S.D.N.Y.)**

Your Honor:

The Parties in the above-referenced matter write jointly pursuant to Judge Francis' October 5, 2017 Order directing the parties to provide the Court with a status update regarding the progress of discovery, the scheduling of Plaintiff's independent medical exam ("IME"), and the Parties' submission of a joint pretrial order. (ECF No. 92.)

By way of background, plaintiff Candido Jerez alleges that on May 10, 2013, while he was being processed as an inmate upon arrival at Rikers Island, he became involved in a physical altercation with a corrections officer. Plaintiff alleges that following this altercation, four other corrections officers retaliated against him by bringing him to a single-person cell, violently smashing his face into a concrete wall, and beating him. The Defendants deny these allegations. On December 11, 2013, Plaintiff filed suit in federal against the City of New York and the corrections officers involved in these altercations, asserting claims under the Civil Rights Act, 42 U.S.C. § 1983.

Following several years of litigation during which Plaintiff represented himself *pro se*, on August 5, 2016, the Court granted in part and denied in part the Defendants' motion for summary judgment, dismissing Plaintiff's claims against the City of New York and the corrections officer involved in the initial altercation, but allowing his claims against the other individual corrections officers to proceed. (ECF No. 57.) Following this decision, the Court appointed *pro bono* counsel for Mr. Jerez, and on June 2, 2017 reopened discovery on a limited basis in order to allow Plaintiff to take the depositions of the four individual defendant officers and to obtain their disciplinary records, and to allow Defendants to obtain Plaintiff's complete and updated medical and mental health records, and to take an IME of Plaintiff. Through

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periodic status updates ordered by the Court, the Parties have apprised the Court that most of this discovery is complete, although Plaintiff is still in the process of obtaining and providing his complete updated medical and mental health records, and Plaintiff's IME remains to be scheduled.

To date, Plaintiff has produced approximately 2,400 pages of Plaintiff's medical and mental health records to Defendants. Plaintiff is still awaiting responses to his request for the release of records from three remaining medical and/or mental health facilities. Plaintiff is in the process of contacting those facilities to check on the status of the requests and will produce to Defendants exact copies of the records they receive from the remaining medical and/or mental health facilities within a reasonable time after receiving them.

Defendants also have requested and/or subpoenaed information and records from at least nineteen different medical and/or mental health facilities and have received records from approximately six medical institutions. Defendants have agreed to produce copies of all such records that they obtain to Plaintiff. Defendants have agreed to produce the documents they received by November 20, 2017.

Because a more complete and accurate picture of Plaintiff's medical and mental health would facilitate Plaintiff's IME, the Parties respectfully request one additional month to pursue their outstanding requests for Plaintiff's medical and mental health records. Accordingly, the Parties respectfully request to submit an additional status update on December 8, 2017, at which time the Parties will propose scheduling deadlines for Plaintiff's IME and the joint pretrial order.

Respectfully submitted,
/s/ Benjamin F. Jackson
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